

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

**CARLOS ROMERO HERNANDEZ,
#806344,**

Petitioner,

v.

Civil Action No. **3:16-CV-2307-L**

**LORIE DAVIS, Director,
Texas Department of Criminal Justice,
Correctional Institutions Div.,**

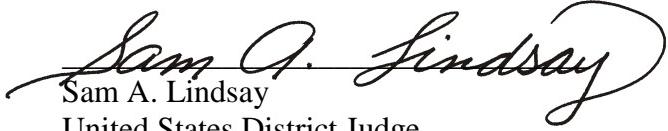
Respondent.

ORDER

This habeas case was referred to Magistrate Judge Renee Harris Toliver, who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 6) on August 11, 2016, recommending that Petitioner’s habeas petition be construed as successive and transferred to the United States Court of Appeals for the Fifth Circuit. *See* 28 U.S.C. § 2244(b)(3). No objections to the Report were received as of the date of this order.

When a petition is deemed successive, the district court lacks subject matter jurisdiction unless a panel of the Fifth Circuit allows the successive petition to proceed. After reviewing the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **directs** the clerk of the court to **transfer** the habeas petition in this case to the Fifth Circuit for determination, and **dismisses without prejudice** this action for lack of subject matter jurisdiction.

It is so ordered this 5th day of October, 2016.



Sam A. Lindsay
United States District Judge